

**REMARKS**

Claims 1-21 are pending in this application.

Claims 1-21 have been rejected.

Claim 7 has been amended to remove redundant text.

Misnumbered Claims 13, 14, 15a and 20b have been amended.

Claims 1-21 remain pending in this application.

Reconsideration of Claims 1-21, as amended, is respectfully requested.

**I. CLAIM OBJECTIONS**

Claim 7 has been amended to remove redundant text. The inadvertently misnumbered Claims 13, 14, 15a and 20b have been re-numbered to cause the numbering of the claims to comply with the requirements of 37 C.F.R. 1.126. Please enter the corrected claim numbers. The corresponding claim numbers in certain of the dependent claims have also been amended to reflect the corrections to the claim numbers.

**II. REJECTIONS UNDER 35 U.S.C. § 102(e)**

The March 15, 2005 Office Action rejected Claims 1-4, Claims 9-16 and Claims 18-21 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Serial No. 09/965,007 by Brown et al. ("Brown") published on March 27, 2003 as United States Patent Application Publication US 2003/0061303 A1. The Applicants respectfully traverse these rejections.

The filing date of the *Brown* reference is September 27, 2001. The filing date of the Applicants' patent application is October 4, 2001. The Applicants are submitting an Affidavit

pursuant to 37 C.F.R. 1.131 to overcome the 35 U.S.C. § 102(e) rejections based on the *Brown* reference. Please enter the Affidavit in the record.

The Applicants' attorney establishes that the Applicants completed their invention before the September 27, 2001 filing date of the *Brown* reference.

The Applicants respectfully submit that the 35 U.S.C. § 102(e) rejections based on the *Brown* reference have been overcome. The Applicants respectfully request that the rejections of Claims 1-4, Claims 9-16 and Claims 18-21 be withdrawn and that Claims 1-4, Claims 9-16 and Claims 18-21 be passed to allowance.

### **III. REJECTIONS UNDER 35 U.S.C. § 103**

The March 15, 2005 Office Action rejected Claims 5, 6, 8 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Brown*. The March 15, 2005 Office Action also rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Brown* in view of United States Patent Application Serial No. 10/476,336 to Poor et al. ("Poor") published on December 30, 2004 as United States Patent Application Publication US 2004/0263494 A1. The Applicants respectfully traverse these rejections.

As previously mentioned, the Affidavit of the Applicants' attorney establishes that the Applicants completed their invention before the September 27, 2001 filing date of the *Brown* reference. The Applicants respectfully submit that the 35 U.S.C. § 103(a) rejections based on the *Brown* reference have been overcome. The Applicants respectfully request that the rejections of Claims 5, 6, 8 and 17 be withdrawn and that Claims 5, 6, 8 and 17 be passed to allowance.

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With respect to Claim 17, the Manual of Patent Examining Procedure states “Applicant may overcome a 35 U.S.C. 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references; applicant need not antedate the reference with the earliest filing date.” (Manual of Patent Examining Procedure, p. 700-226, Column 2, Lines 33-37 (8<sup>th</sup> Edition, February 2003 Revision)).

Because the Applicants have antedated the *Brown* reference, the Applicants respectfully submit that the rejection of Claim 17 based on a combination of the *Brown* reference and the *Poor* reference has been overcome. The Applicants respectfully request that the rejection of Claim 17 be withdrawn and that Claim 17 be passed to allowance.

**IV. CONCLUSION**

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to allowance. The Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. The Applicants reserve the right to submit further arguments in support of her above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

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**SUMMARY**

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at [wmunck@davismunck.com](mailto:wmunck@davismunck.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Aug. 15, 2005

  
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William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [wmunck@davismunck.com](mailto:wmunck@davismunck.com)